



PTO/SB/21 (11-08)

Approved for use through 12/31/2008. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

Patent#: 7438907 B2

Filing Date

Issued: October 21, 2008

First Named Inventor

Janine SCHUURMAN

Art Unit

1643

Examiner Name

L. A. Bristol

Attorney Docket Number

GMI-059RCE

ENCLOSURES (Check all that apply)☒ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication
to TC☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please
Identify below):Application for Patent Term Adjustment
Statement Under 37 CFR 1.702 (b)(2)
Appendix A
Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

LAHIVE & COCKFIELD, LLP

Signature

Printed name

Jill Gorny Sloper, Esq.

Date

December 4, 2008

Reg. No.

60,760



PTO/SB/17 (10-08)

Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2009		Complete if Known	
		Application Number	Patent#: 7438907 B2
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	Issued: October 21, 2008
TOTAL AMOUNT OF PAYMENT		First Named Inventor	Janine SCHUURMAN
		Examiner Name	L. A. Bristol
(\$) 200.00		Art Unit	1643
		Attorney Docket No.	GMI-059RCE

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify):
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 12-0080		Deposit Account Name: Lahive & Cockfield, LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
<input checked="" type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments		

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
0	- 20 or HP	0	x 52.00 =	0.00		

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>		<u>Extra Claims</u>		<u>Fee (\$)</u>		<u>Fee Paid (\$)</u>
0	- 3 or HP =	0	x	220.00	=	0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/50 =	(round up to a whole number) x	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1455 Filing an application for patent term adjustment. 200.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	60,760
Name (Print/Type)	Jill Gorny Sloper, Esq.	Telephone	(617) 994-0869
		Date	December 4, 2008

12/08/08

DAC/#

Express Mail Label No. EM 192 981 052 US

Dated: December 4, 2008



Docket No.: GMI-059RCE

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Patent of:
Janine Schuurman, *et al.*

Patent No.: 7,438,907

Confirmation No.: 6363

Issued: October 21, 2008

Art Unit: 1643

For: HUMAN MONOCLONAL ANTIBODIES
AGAINST CD25

Examiner: Bristol, Lynn Anne

MS Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR
RECONSIDERATION UNDER 37 CFR §1.705(b) and (d)**

Dear Sir:

1. This is a request for reconsideration of the patent term adjustment (hereinafter "PTA") of 384 days indicated on the face of the issued patent. It is respectfully requested that Patentees be granted a minimum patent term adjustment of **854 days**.

2. In compliance with 37 CFR §1.705(d), Patentees submit herewith a "Statement Under 37 CFR §1.702(b)(2)".

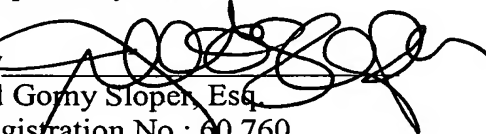
12/08/2008 CCHAU2 00000066 120080 7438907

01 FC:1455 200.00 DA

3. In accordance with 37 CFR §1.705(d), Patentees hereby authorize the fees set forth in 37 CFR §1.705(b)(1). Please charge the fee set forth in 37 CFR §1.18(e) (\$200.00) to our Deposit Order Account No. 12-0080. Please charge any necessary additional fees or credit any overpayments to our Deposit Order Account No. 12-0080.

Dated: December 4, 2008

Respectfully submitted,

By 
Jill Gorny Sloper, Esq.
Registration No.: 60,760
LAHIVE & COCKFIELD, LLP
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(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant



Docket No.: GMI-059RCE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Patent of:
Janine Schuurman, *et al.*

Patent No.: 7,438,907

Confirmation No.: 6363

Issued: October 21, 2008

Art Unit: 1643

For: HUMAN MONOCLONAL ANTIBODIES
AGAINST CD25

Examiner: Bristol, Lynn Anne

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR § 1.702(b)(2)

Dear Sir:

1. This statement is respectfully submitted in support of the "Patent for Patent Term Adjustment Including Request for Reconsideration Under 37 CFR §1.705(b)" for the above-referenced patent. In view of the following, it is respectfully requested that Patentees be granted a patent term adjustment of 854 days.

2. The patent term adjustment per the "Determination of Patent Term Adjustment Under 35 U.S.C. §154(b)" as shown on the face of the issued patent is 384 days. This determination of 384 days is in error in that the Office failed to issue a patent within three years of the actual filing date of the above-referenced patent in accordance with 37 CFR §1.702(b).

3. The factual bases for the above adjustment are set forth as follows:

A. Examination Delays Pursuant to 37 CFR §1.702 and §1.703

Pursuant to 37 CFR §1.703(f), the period of adjustment of the term of the patent under §1.702 is the sum of the periods of examination delay calculated under subparagraphs (a)-(e), to the extent that such periods are not overlapping, less the sum of the periods calculated under §1.704 (the period of Applicant Delay). In the above-referenced patent, Patentees are entitled to a period of examination delay equal to the sum of the periods of delay under §1.703(a) and (b) for the reasons set forth below.

(i) “14 Month Delay” Pursuant to §1.703(a)(1)

In accordance 37 CFR §1.703(a)(1), Patentees are entitled to a period of patent term adjustment due to the failure by the Office to mail an action under 35 U.S.C. §132 not later than 14 months after the actual filing date (*i.e.*, by January 14, 2005) (hereinafter “14 Month Delay”). As shown on the Office’s PTA Calculation Sheet (see Exhibit A), the Office failed to mail an action under 35 U.S.C. §132 (a Restriction Requirement) until May 2, 2006. Patentees are entitled to a period of patent term adjustment beginning on the day after the date that is 14 months after the date on which the above-referenced patent was filed under 35 U.S.C. §111(a), *i.e.*, January 15, 2005, and ending on the date of mailing of an action under 35 U.S.C. §132, *i.e.*, May 2, 2006. Accordingly, the period of patent term adjustment due to the 14 Month Delay by the Office is 473 days, which is in agreement with the period calculated by the Office on the PTA Calculation Sheet (Exhibit A).

(ii) “Three Years Delay” Pursuant to 37 CFR §1.703(b)

The Office did not comply with the requirement of 35 U.S.C. §154(b) and 37 CFR §1.702(b), which requires issuance of a patent within 3 years after the date on which the patent was filed under 35 U.S.C. §111(a). However, since the exclusionary period for continued examination set forth in 37 CFR §1.702(b)(1) applies to the instant patent, the number of days in the period beginning on the date on which Patentees first filed a Request for Continued Examination (February 28, 2008) and ending on the future issue date of a corresponding patent is excluded from the period of Three Years Delay. Therefore, in accordance with 37 CFR §1.703, Patentees have calculated a maximum period of Three Years Delay based on the period of time beginning on the day after the date that is three years after the date on which the above-referenced patent was filed under 35 U.S.C. §111(a) (*i.e.*, November 15, 2006), and ending on

the date Patentees first filed a Request for Continued Examination (*i.e.*, February 28, 2008). This period of delay is 470 days.

(iii) Total Examination Delay Pursuant to 37 CFR §1.703(f)

As set forth in 37 CFR §1.703(f), the period of examination delay based on the grounds set forth in 37 CFR §1.702 is the sum of the period of 14 Month Delay (473 days) and the maximum period of Three Years Delay (470 days), or 943 days, to the extent these periods of delay are not overlapping. As the period of 14 Month Delay ended on May 2, 2006, prior to the first day of the period of Three Years Delay, *i.e.*, November 15, 2006, Patentees submit that these periods are not overlapping.

B. "Applicant Delay" Pursuant to 37 CFR §1.704

Pursuant to 37 CFR §1.704 the period of adjustment of the term of the patent due to examination delay is reduced by the period of Applicant Delay. As indicated on the Office's PTA Calculation Sheet (Exhibit C), the Office has calculated a period of Applicant Delay of 89 days.

C. Calculation of Correct Patent Term Adjustment Pursuant to 37 CFR §1.702(f)

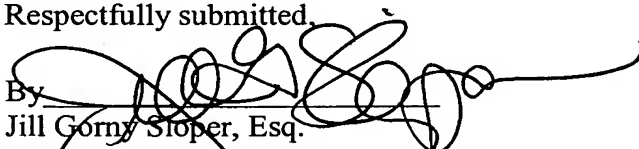
As set forth in 37 CFR §1.703(f), Patentees are entitled to a period of patent term adjustment equal to the period of examination delays reduced by the period of Applicant Delay. Therefore, Patentees submit that the correct patent term adjustment for the above-referenced patent is 854 days, which is the difference between the total period of examination delay (943 days) and the Applicant Delay (89 days).

4. In accordance with 37 CFR §1.705(b)(2)(iii), Patentees submit that this patent is not subject to a terminal disclaimer.

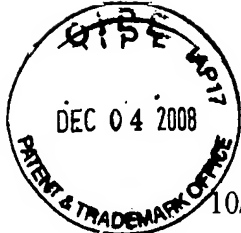
In view of the foregoing, it is respectfully requested that this Patent for Patent Term Adjustment be favorably considered and that a corrected Determination of Patent Term Adjustment be issued to reflect a patent term adjustment of 854 days.

Dated: December 4, 2008

Respectfully submitted,



By
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Attorney/Agent For Patentees



APPENDIX A

10/714,353 HUMAN MONOCLONAL ANTIBODIES AGAINST
CD25

08-27-
2008::12:22:01

Patent Term Adjustments			
Patent Term Adjustment (PTA) for Application Number: 10/714,353			
Filing or 371(c) Date:	11-14-2003	USPTO Delay (PTO) Delay (days):	473
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	89
Post-Issue Petitions (days):	+0	Total PTA (days):	384
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
06-18-2008	Mail Notice of Allowance		
06-05-2008	Document Verification		
05-27-2008	Notice of Allowance Data Verification Completed		
05-27-2008	Examiner's Amendment Communication		
03-12-2008	Date Forwarded to Examiner		
02-28-2008	Request for Continued Examination (RCE)	326	
03-12-2008	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
02-28-2008	Request for Extension of Time - Granted		
02-28-2008	Workflow - Request for RCE - Begin		
12-28-2007	Mail Examiner Interview Summary (PTOL - 413)		
12-13-2007	Examiner Interview Summary Record (PTOL - 413)		
11-02-2007	Mail Final Rejection (PTOL - 326)		
10-31-2007	Final Rejection		
08-21-2007	Information Disclosure Statement considered		
06-04-2007	Information Disclosure Statement considered		
09-05-2007	Correspondence Address Change		
08-30-2007	Date Forwarded to Examiner		
08-21-2007	Response after Non-Final Action		
08-21-2007	Information Disclosure Statement (IDS) Filed		
08-21-2007	Information Disclosure Statement (IDS) Filed		

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06-04-2007	Information Disclosure Statement (IDS) Filed	
05-21-2007	Mail Non-Final Rejection	
05-11-2007	Non-Final Rejection	
02-08-2007	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	
03-01-2007	Date Forwarded to Examiner	
02-08-2007	Response after Non-Final Action	63
02-08-2007	Request for Extension of Time - Granted	↑
02-20-2007	CRF Is Good Technically / Entered into Database	↑
09-07-2006	Mail Non-Final Rejection	↑
08-29-2006	Non-Final Rejection	
07-06-2006	CRF Disk Has Been Received by Preexam / Group / PCT	
07-13-2006	CRF Is Good Technically / Entered into Database	
07-11-2006	Date Forwarded to Examiner	
06-29-2006	Response to Election / Restriction Filed	
06-29-2006	Request for Extension of Time - Granted	
06-20-2006	Mail Miscellaneous Communication to Applicant	
06-16-2006	Miscellaneous Communication to Applicant - No Action Count	
06-14-2006	Examiner Interview Summary Record (PTOL - 413)	
05-02-2006	Mail Restriction Requirement	473
05-01-2006	Requirement for Restriction / Election	↑
11-14-2005	Information Disclosure Statement considered	↑
05-28-2004	Information Disclosure Statement considered	↑
02-23-2006	Case Docketed to Examiner in GAU	↑
11-14-2005	Reference capture on IDS	↑
11-14-2005	Information Disclosure Statement (IDS) Filed	↑
11-14-2005	Information Disclosure Statement (IDS) Filed	↑
06-28-2005	Case Docketed to Examiner in GAU	↑
05-28-2004	Reference capture on IDS	↑

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05-28-2004	Information Disclosure Statement (IDS) Filed	↑
05-28-2004	Information Disclosure Statement (IDS) Filed	↑
07-14-2004	Case Docketed to Examiner in GAU	↑
07-14-2004	IFW TSS Processing by Tech Center Complete	↑
05-27-2004	Application Return from OIPE	↑
05-27-2004	Application Return TO OIPE	↑
05-27-2004	Application Dispatched from OIPE	↑
05-27-2004	Application Is Now Complete	↑
05-07-2004	Additional Application Filing Fees	↑
05-07-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑
03-19-2004	Notice Mailed--Application Incomplete--Filing Date Assigned	↑
02-02-2004	Cleared by OIPE CSR	↑
12-22-2003	IFW Scan & PACR Auto Security Review	↑
12-02-2003	CRF Is Good Technically / Entered into Database	↑
11-14-2003	CRF Disk Has Been Received by Preexam / Group / PCT	↑
11-14-2003	Initial Exam Team nn	↑